

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY J. WUMMEL,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 12-14860

HON. TERRENCE G. BERG
HON. MONA K. MAJZOUB

ORDER ADOPTING REPORT AND RECOMMENDATION (Dkt. 22)

This matter is before the court on Magistrate Judge Mona K. Majzoub's December 9, 2013 Report and Recommendation (Dkt. 22), recommending that Plaintiff's Motion for Summary Judgment (Dkt. 17) be GRANTED, that Defendant's Motion for Summary Judgment (Dkt. 19) be DENIED, and that the case be REMANDED to the Commissioner for further proceedings, pursuant to sentence four of 42 U.S.C. §405(g).

The court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). Nevertheless, the Court has carefully reviewed and does hereby accept the Magistrate Judge's

Report and Recommendation of December 9, 2013, as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Majzoub's Report and Recommendation of December 9, 2013 (Dkt. 22) is **ACCEPTED** and **ADOPTED**.

It is **FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment (Dkt. 17) is **GRANTED**, Defendant's Motion for Summary Judgment (Dkt. 19) is **DENIED**, and the case is **REMANDED** to the Commissioner, pursuant to sentence four of 42 U.S.C. §405(g), for consideration of the applicability of *Drummond v. Comm'r*, 126 F.3d 837 (6th Cir. 1997), and determination as to whether the principles of res judicata apply to ALJ Alderisio's August 26, 2009 decision.

Dated: December 27, 2013

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on December 27, 2013, using the CM/ECF system; which will send notification to the parties.

s/A. Chubb
Case Manager